

House Bill 875

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and
2 traffic, so as to repeal Chapter 5, relating to drivers' licenses; provide for a short title; to
3 report the findings of the General Assembly regarding the constitutionality of certain laws
4 relating to drivers' licenses; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Right to Travel Act."

9 **SECTION 2.**

10 The General Assembly finds that:

11 (1) Free people have a common law and constitutional right to travel on the roads and
12 highways that are provided by their government for that purpose. Licensing of drivers
13 cannot be required of free people because taking on the restrictions of a license requires
14 the surrender of an inalienable right;

15 (2) In England in 1215, the right to travel was enshrined in Article 42 of Magna Carta:
16 It shall be lawful to any person, for the future, to go out of our kingdom, and to return,
17 safely and securely, by land or by water, saving his allegiance to us, unless it be in time
18 of war, for some short space, for the common good of the kingdom: excepting prisoners
19 and outlaws, according to the laws of the land, and of the people of the nation at war
20 against us, and Merchants who shall be treated as it is said above.

21 (3) Where rights secured by the Constitution of the United States and the State of
22 Georgia are involved, there can be no rule making or legislation that would abrogate
23 these rights. The claim and exercise of a constitutional right cannot be converted into a
24 crime. There can be no sanction or penalty imposed upon an individual because of this
25 exercise of constitutional rights;

(4) American citizens have the inalienable right to use the roads and highways unrestricted in any manner so long as they are not damaging or violating property or rights of others. The government, by requiring the people to obtain drivers' licenses, is restricting, and therefore violating, the people's common law and constitutional right to travel;

(5) In *Shapiro v Thompson*, 394 U.S. 618 (1969), Justice Potter Stewart noted in a concurring opinion that the right to travel "is a right broadly assertable against private interference as well as governmental action. Like the right of association...it is a virtually unconditional personal right, guaranteed by the Constitution to us all." The Articles of Confederation had an explicit right to travel; and we hold that the right to travel is so fundamental that the Framers thought it was unnecessary to include it in the Constitution or the Bill of Rights;

(6) The right to travel upon the public highways is not a mere privilege which may be permitted or prohibited at will but the common right which every citizen has under his or her right to life, liberty, and the pursuit of happiness. Under this constitutional guarantee one may, therefore, under normal conditions, travel at his or her inclination along the public highways or in public places while conducting himself or herself in an orderly and decent manner; and

(7) Thus, the legislature does not have the power to abrogate the citizens' right to travel upon the public roads by passing legislation forcing the citizen to waive the right and convert that right into a privilege.

SECTION 3.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by repealing Chapter 5, relating to drivers' licenses, and designating said chapter as reserved.

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.